HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

-

Writ Petition No.4459 of 2002

-

Date: 27th January, 2006

Between:

P.Chandan Chakravarthy S/o.P.Veerabhadra Rao,

R/o.Maruthi Nagar, Hyderabad.

..... PETITIONER

AND

1.Union of India, rep. by its Secretary, Civil Aviation,

New Delhi and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.4459 of 2002

ORDER:

This writ petition has been filed by P.Chandan Chakravarthy with a prayer to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Director General of Civil Aviation, New Delhi-2nd respondent in not issuing the Commercial Pilot's Licence to the petitioner as illegal and arbitrary.

2. The case of the petitioner as disclosed from the affidavit filed in support of the writ petition, in brief, is: The petitioner passed 10th class from C.B.S.E. in 1989. He

completed studentship examination from Aeronautical Society of India with English, Physics, Chemistry, Mathematics with more than 50% marks in 1993. After completing all the requirements for obtaining Commercial Pilot's Licence, the petitioner made an application along with required documents to the Director, (Training and Licensing), New Delhi-3rd respondent through A.P. Aviation Academy on 23.10.2001. The Deputy Director (Training and Licensing), New Delhi-4th respondent issued letter dated 03.01.2002 to the petitioner stating that there is no confirmation letter from the Union of India, represented by its Secretary, Civil Aviation, New Delhi-1st respondent treating studentship of Aeronautical Society of India as equivalent to 10 + 2 qualification. The grievance of the petitioner is that when studentship of Aeronautical Society of India is treated as equivalent to 10 + 2 qualification under Aircraft Rules, 1937 for issuance of licence for Aircraft Maintenance Engineers, there is no reason for not treating the studentship as equivalent to 10+2 qualification for issuance of Commercial Pilot's Licence. Hence, the petitioner questions the action of the respondents in not treating his studentship of Aeronautical Society of India as equivalent to 10 + 2 for granting Commercial Pilot's Licence.

3. Respondents filed counter-affidavit. It is stated in the counter-affidavit the issue of C.P.L. (Commercial Pilot Licence) and the issue of AME (Aircraft Maintenance Engineer's Licence) are distinct and different. The qualification prescribed under the regulations for issue of Aircraft Maintenance Engineer's Licence (AME Licence) is 10 + 2 examination or equivalent recognized by the Government of India or Studentship of Aeronautical Society of India after pass in 10th standard. The candidates who have become successful in the test conducted after a rigorous and comprehensive training thereof are only considered for grant of AME licence and not otherwise. The parallel drawn by the petitioner and insistence for a similar treatment merely because he has undergone the studentship of Aeronautical Society of India is misconceived, baseless and incorrect. It is further stated in the counter-affidavit that the Rules and Regulations of the Central Government have not prescribed the grant of Commercial Pilot's Licence on mere possession of Studentship of Aeronautical Society of India after 10th standard and as such it is not open for the petitioner to fall back on the position obtaining in the grant of licence for the purpose of AME.

4. Additional affidavit has been filed by the petitioner. Paras.4 and 5 of the additional affidavit need to be noted and they are thus:

> "4. I submit that there is a registered society by name 'The Aeronautical Society of India' which is registered in accordance with the provisions of the Act 21/1860. The education that it imparts has been recognized by the Government of India. I submit that my grievance in the writ petition is as follows.
>
> 5. I submit that the Director General of Civil Aviation is the Authority who issues licenses to the persons who have completed two courses i.e. (1) Commercial Pilot Licence Course; (2) Aircraft Maintenance Engineering Course. The very same Authority is issuing licences to the persons as Air Craft Maintenance Engineer in accordance with Rule 61 of the Aircraft Rules, 1937 framed under the Aircraft Act, 1934. The relevant portion of the Rule 61 reads thus:
>
> Every applicant for the issue of Aircraft Maintenance Engineer's licence shall satisfy the following requirements:
>
> (b) The applicant must have passed 10 + 2 examination with Physics and Mathematics or three years diploma in any branch of engineering or degree in any branch of engineering or equivalent examination."

5. Heard Sri P.Venugopal, learned counsel appearing for the petitioner and Sri K.S.Murthy, learned Standing Counsel for the Central Government appearing for the respondents.

6. Learned counsel appearing for the petitioner submits that when studentship of Aeronautical Society of India has been taken as equivalent to 10 + 2 for granting of Aircraft Maintenance Engineer's licence, the same would have been treated as an equivalent qualification for granting of Commercial Pilot's Licence also.

7. Learned Standing Counsel for the Central Government appearing for the respondents submits that the rules prescribed Intermediate as minimum educational qualification for issue of Commercial Pilot's Licence and when the petitioner does not possess the minimum qualification, the action of the respondents in not issuing

the Commercial Pilot's Licence to the petitioner is justified.

8. The dispute in the writ petition lies in a narrow compass and it is whether the petitioner is entitled for issuance of Commercial Pilot's Licence? Undoubtedly minimum educational qualification for grant of Commercial Pilot's Licence is 10 + 2. The Aircraft Rules, 1937, relating to issuance of the Commercial Pilot's Licence (Aeroplanes) read as follows:

> **I. Requirement for issue of Licence**:-- An applicant for a Commercial Pilot's Licence shall satisfy the following requirements:--

a. **Age**:—He shall be not less than Eighteen years of age on the date of application.

b. **Educational Qualification**:-- He shall have passed Class Ten plus Two or an equivalent examination with Physics and Mathematics, from a recognized Board/University.

c. **Medical Fitness**:-- He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director-General under Rule 39B.

d. **Knowledge**:-- He shall pass a written examination in Air Regulations, Air Navigation Meteorology and aircraft and Engines and Signals (practical) examination for interpretation of aural and visual signals, as per the syllabus prescribed by the Director-General:

> Provided that the holder of a current Commercial Pilot's Licence (Helicopters) shall be required to pass an examination in Aircraft and Engines only.

e. **Experience**:-- He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane within a period of five years immediately preceding the date of application for Licence not less than two hundred fifty hours of flight time, which shall include—

vi. not less than one hundred fifty hours of flight time as Pilot-in-Command of which not less than fifteen hours shall have been completed within a period of six months immediately preceding the date of application for licence;

i. not less than twenty five hours of cross-country flight time as Pilot-in-Command including a cross-country flight of not less than three hundred nautical miles in the course of which full stop landings at two different aerodromes shall be made;

ii. not less than ten hours of instrument time of which not more than five hours may be on an approved simulator; and

iii. not less than five hours of flight time by night including a minimum of ten take-offs and ten landings as Pilot-in-Command as (sole manipulator of controls) carried out within six months immediately preceding the date of application for licence.

f. **Flying Training**:-- He shall have completed the flying training in accordance with the syllabus prescribed by the Director-General.

g. **Other Requirements**:-- He shall be in possession of a current Flight Radio Telephone Operator's Licence for operation of radio telephone apparatus on board an aircraft issued by the Director-General.

h. **Skill**:-- He shall have demonstrated his competency to perform the procedures and manoeuvres prescribed in the syllabus to the satisfaction of an examiner, on the type of aeroplane to which the application for licence relates, within a period of six months immediately preceding the date of application. The competency shall be demonstrated in –

(i) generall flying test by day;

(ii) general flying test by night;

(iii) a cross-country flight test by day consisting of a flight of not less than two hundred fifty nautical miles in the course of which at least one full stop landing at an aerodrome other than the aerodrome of departure shall be made; and

(iv) a cross-country flying test by night consisting of a flight of not less than one hundred twenty nautical miles returning to the place of departure without landing elsewhere."

9. For grant of Licence for Aircraft Maintenance Engineer's, certain qualifications have been prescribed. With regard to the educational qualifications for grant of licence for Aircraft Maintenance Engineer's, the applicant must have passed 10+2 examination with Physics and Mathematics or three years diploma in any branch of engineering or degree in any branch of engineering or equivalent examination.

10. On reading the educational qualifications prescribed for both the courses, it is explicit that the minimum educational qualifications for grant of Commercial Pilit's Licence is 10+2 or an equivalent examination with Physics and Mathematics, from a recognized Board/University. Undisputedly, the petitioner does not possess 10+2 or an equivalent examination with Physics and Mathematics. When the statutory rules prescribed minimum qualification, no Mandamus can be issued to the respondents

to treat some other qualification as an equivalent qualification for 10+2. Hence, the writ petition is devoid of merits and accordingly, the same is hereby dismissed.

11. Accordingly, the writ petition is dismissed. No costs.

_____

B.SESHASAYANA REDDY, J.

Date: 27th January, 2006.

cs